

UNITED STATES DISTRICT COURT

for the  
Eastern District of Wisconsin

In the Matter of the Search of:

Kent Thomas's Facebook Account;  
"Misto Ballin'" - User ID # 1524057868

Case No. K8-807<sup>m</sup> (NJ)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: Title 18 U.S.C. Section 1951(a)

The application is based on these facts: See attached affidavit.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

TFO Michael Slomczewski, FBI

Printed Name and Title

Sworn to before me and signed in my presence:

Date: March 9, 2018



Judge's signature

City and State: Milwaukee, Wisconsin

Honorable Nancy Joseph

, U.S. Magistrate Judge

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Michael Slomczewski, being a federally sworn Task Force Officer with the Federal Bureau of Investigation Robbery Task Force, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

2. I am a federally deputized Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI). I have been a TFO with the FBI since 2016. I have been a employed as a law enforcement officer with the Milwaukee Police Department for over 15 years. I have investigated bank robberies, business robberies, and carjackings, and also have been involved in search warrants and interrogations regarding these various offenses.

3. Based on my knowledge, training, and experience, I know that people store their clothes in their homes.

4. I have previously applied for and received search warrants related to the crime of robbery and carjackings, as well as other crimes.

5. During the course of my career, I have had trainings regarding the use of social media in relation to criminal investigations. Specifically, I have received instruction regarding the use of social media sites by criminal elements. Additionally, I have conducted previous criminal investigations in which internet research that I conducted yielded the use of social media by suspects. Specifically, I know from my training and experience that alleged suspects of criminal activity, who have accounts on social media websites, will often communicate their criminal intentions or past activity via "instant message" or "in-box message" on a given social media website. The "instant message" / "in-box message" is a private communication from one user to another. Furthermore, I know through experience that many social media users often use social media websites as their primary means to communicate with others. Additionally, I know from training and experience that suspects who use social media websites sometimes post photographs of themselves possessing incriminating items, such as large amounts of cash, narcotics and firearms. Also, suspects in criminal investigations have been known to post statements on social websites referencing their own criminal activity.

6. Information contained in this affidavit was either obtained directly by me or by other investigators who I believe to be truthful and credible. The facts in this



affidavit come from personal observations, training and experience, and information obtained from other investigators and witnesses.

7. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

8. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Kent Thomas (Black Male, DOB: 1993) on his Facebook page, "Misto Ballin'" - ID # 1524057868, and in his possession evidence of crimes committed in violation of Title 18 U.S.C. 1951(a) (Hobbs Act robbery). There is also probable cause to search the information described in Attachment A for evidence of these crimes, as described in Attachment B.

#### **IDENTIFICATION OF ITEMS TO BE SEARCHED**

9. Facebook page belonging to "Misto Ballin'" - ID # 1524057868, herein described as a personal website that is accessed with a username and password specific only to that page and further described in Attachment A. The following Facebook Page URL, Facebook Username, and associated Facebook Identification Number: The applied-for warrant would authorize the search and recovery of evidence particularly described in Attachment B.

#### **PROBABLE CAUSE**

10. On November 5, 2017, the victim, D.H., parked her Nissan Rogue in the alley behind her residence located at 4350 N. 18th St., Milwaukee. While she was exiting her car, an armed suspect was dropped off by a person driving a black Lincoln MKZ.

The armed suspect approached D.H. and told her, "Give me your keys or you're going to get shot." The armed suspect then fired the handgun into the ground by D.H., and she was struck in her face by the ricochet. The injury was superficial. The armed suspect got into D.H.'s car, and then both the Nissan Rogue and the Lincoln MKZ drove away. MPD recovered a gold colored Luger casing from the scene. The victim described the armed suspect as a "very small man" and described the handgun as having an extended magazine.

11. Video surveillance was recovered from a nearby residence showed the suspect vehicle was a black Lincoln MKZ.

12. On November 6, 2017, members of the FBI Robbery Task Force located the stolen Nissan Rogue and saw Kent Thomas enter that vehicle's front passenger seat while holding a handgun with an extended magazine. This handgun appeared similar to the handgun described by the November 5 carjacking victim. Officers saw three other individuals enter the vehicle with Thomas. When the officers attempted to traffic stop the vehicle, all four individuals ran from the car and were arrested within close proximity to the vehicle. Officers recovered the handgun with the extended magazine from inside the Rogue. The firearm is more fully described as a Taurus, 9mm semiautomatic pistol, with an extended magazine, bearing serial number TKN82920. The magazine accepted 32 rounds of ammunition. Thomas was taken into custody on November 6, and he was in possession of four cellphones, which were later examined. Thomas was charged in state court, but was released on bail.

13. On November 7, 2017, Milwaukee Police Officer Russell Ewert, a Forensic Technology Certified IBIS Technician, determined that casings from the handgun possessed by Thomas matched the recovered casing from the November 5 carjacking.

14. The FBI Robbery Task Force connected what appears to be the same black Lincoln MKZ to a commercial business robbery on November 3, 2017, at Horizon Real Estate, located on 2976 N. MLK Dr., Milwaukee, WI. After viewing the surveillance video from this business robbery, I believe that the Lincoln MKZ used in the robbery appears to be the same black Lincoln MKZ used in the carjacking on November 6, 2017.

15. On November 3, the Lincoln parked in front of Horizon Real Estate, and two individuals exited the car. A masked individual entered the business armed with a handgun (Suspect #1). Suspect #1 took money from an employee. The second suspect (Suspect #2) held open the businesses' front door while the armed suspect robbed the employee. Suspect #2 was a black male wearing the following: (1) black pants with two zippers on each thigh area, a zipper on the right pant leg, a zipper on the rear right pocket area, and vertical zippers on the outside of each pant leg; (2) a green jacket with a circle insignia on the left breast area and a circle insignia on the right upper arm area; and (3) black boots. Suspect #2 appeared to be a large individual with a similar body shape as Kent Thomas who is 6'01" and weighs in excess of 300 lbs. After the robbery, both suspects re-entered the Lincoln, which fled from the scene.

16. A witness to this robbery observed the black Lincoln's license plate, which was 349-ZWT. The Lincoln was subsequently located by law enforcement agents on December 6, 2017, at 4860 N. 48th Street. The vehicle was processed on December 7 for

fingerprints and DNA. On December 14, Kent Thomas' fingerprints were identified on two items that were inside of the vehicle.

17. One of Thomas' cellphones that was confiscated during his November 7 arrest was a black Kyocera, which was examined for its historical cell tower data. Milwaukee County District Attorney's Office Intelligence Analyst Christina Malley analyzed the recovered cell tower data. For the November 3 robbery at Horizon Real Estate, it was determined that during the robbery, Thomas' Kyocera cellphone was used in the same tower and sector as Horizon Real Estate.

18. Thomas was arrested again on January 25, 2018, for a drug offense. During a *Mirandized* statement, Thomas stated that he lives at 2804 N. 16th Street, Milwaukee. Thomas admitted to possessing marijuana, but denied involvement in the robbery. Thomas admitted the he has previously been inside of a black Lincoln. Thomas also stated that his Facebook profile name is "Misto Ballin."

19. On January 29, 2018, MPD executed a state search warrant at 2804 N. 16th St. During a search of the residence, officers recovered clothing that appears to be same as the clothing worn by Suspect #2 during the November 3 robbery at Horizon Real Estate: (1) black pants with two zippers on each thigh area, a zipper on the right pant leg, a zipper on the rear right pocket area, and vertical zippers on the outside of each pant leg; and (2) black boots.

20. During the search warrant execution, agents interviewed Antwan L. King, who stated that he is Kent Thomas' brother. King said that Thomas resides with his girlfriend in the area of N. 24th St. and W. Hampton Ave.



21. I monitored jail calls made by Thomas while he was in custody following his January 25 arrest. On January 30, Thomas placed four calls to telephone number 414-676-8920. In the first call, Thomas spoke to a woman who he referred to as "Lashabra." In the second call, Thomas again spoke to Lashabra, and he told her to throw the ring in the garbage. In the third call, Thomas again spoke to Lashabra. Lashabra informed Thomas that her house was burglarized. I checked the Milwaukee Police Database and learned that a burglary did in fact occur at the address of 2334 W. Linwal Ln., Milwaukee. The victim of the burglary was identified as Lashabra L. Owens. For the police report, Lashabra Owens provided her contact number as 414-676-8920. In the fourth call, Thomas told Lashabra Owens to check the dresser upstairs to make sure that his Social Security card and wallet were still there. Thomas further told Lashabra Owens to check if his watch was still there. Thomas also reminded Lashabra Owens that he "ain't supposed to be over there."

22. In a statement on February 5, 2018, Owens stated that Kent Thomas' Facebook profile name is "Misto Ballin'." After being shown a picture of the black pants with two zippers on each thigh area, a zipper on the right pant leg, a zipper on the rear right pocket area, and vertical zippers on the outside of each pant leg that were recovered from the search warrant, Owens stated that those pants belong to Kent Thomas. Owens also stated that she saw Thomas with a handgun as recently as January 2018.

23. Investigators viewed the Facebook profile for "Misto Ballin'" and saw pictures of Kent Thomas (DOB: 1993). Based on activity seen on the "Misto Ballin'"



Facebook account, investigators also believe that Kent Thomas was actively using Facebook in 2017 and around the time of the robbery. Investigators were able to see some photographs of Kent Thomas on that same Facebook profile.

24. Based on the above-stated information, there is probable cause that Kent Thomas's Facebook page, "Misto Ballin'" - ID # 1524057868 contains evidence of photographs, contacts, and conversations that will assist with the robbery investigation.

### CONCLUSION

25. Based on the forgoing, I request that the Court issue the proposed search warrant.

26. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court of the Eastern District of Wisconsin is a district court of the United States that has jurisdiction over the offense(s) being investigated, 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

**ATTACHMENT A**

*Property to Be Searched*

This warrant applies to information between January 1, 2017 and the present date associated with Kent Thomas's Facebook Account, "Misto Ballin'" - ID # 1524057868 that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

## **ATTACHMENT B**

### *Particular Things to be Seized*

#### **I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- a. All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- b. All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- c. All photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;
- d. All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the



- groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- e. All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
  - f. All "check ins" and other location information;
  - g. All IP logs, including all records of the IP addresses that logged into the account;
  - h. All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
  - i. All information about the Facebook pages that the account is or was a "fan" of;
  - j. All past and present lists of friends created by the account;
  - k. All records of Facebook searches performed by the account;
  - l. All information about the user's access and use of Facebook Marketplace;
  - m. The types of service utilized by the user;
  - n. The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);

- o. All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- p. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. 1951(a) (Hobbs Act robbery) since January 1, 2017 for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) The relevant offense conduct, any preparatory steps taken in furtherance of the scheme, communications between Kent Thomas and others related to the relevant offense conduct of armed robbery.
- (b) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (c) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;

- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).
- (e) The identity of the person(s) who communicated with the user ID about matters relating to relevant offense conduct of armed robbery, including records that help reveal their whereabouts.